

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E of River Road, 165 ft. S of * ZONING COMMISSIONER
Silver Lane *
Lot 8D River Road *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Legal Owner: Mark Dickerson * Case No. 98-434-A
and Doris Dickerson *
Contract Purchaser: Deborah Martin
Petitioners

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E of River Road, 215 ft. S * ZONING COMMISSIONER
of Silver Lane *
Lot 9D River Road *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Legal Owner: Mark Dickerson * Case No. 98-435-A
and Doris Dickerson *
Contract Purchaser: John Vervan
Petitioners

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E of River Road, 265 ft. S * ZONING COMMISSIONER
of Silver Lane *
Lot 10D River Road *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Legal Owner: Mark Dickerson * Case No. 98-436-A
and Doris Dickerson *
Contract Purchaser: Laura L. George
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner on Petitions for Variance, for three separate lots of record which are adjacent to one another in the subdivision known as Cedar Beach, located in eastern Baltimore County. The three cases were combined for a single public hearing, in that the Petitions were each brought by Mark Dickerson, the owner of each of the three parcels. The Petitions indicate that Doris Dickerson, the mother of Mark Dickerson, is the co-owner of the properties; however, apparently Mrs. Dickerson is deceased and Mark Dickerson is the sole owner.

ORDER RECEIVED FOR FILING

Date

By

10/1/98
M. Good

In zoning case no. 98-434-A, variance relief is requested for the parcel known as lot 8D River Road in the Cedar Beach subdivision. Relief is sought pursuant to Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively. Variances are also sought to allow side yard setbacks of 11 ft. on each side in lieu of the required 50 ft. It is to be noted that Deborah Martin, Contract Purchaser, executed the Petition as co-applicant/contract purchaser.

In case No. 98-435-A, variance relief is requested for the parcel known as lot 9D River Road in the Cedar Beach subdivision. Relief is sought pursuant to Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively. A variance is also requested to allow side yard setbacks of 11 ft. in lieu of the required 75 ft. In this case, John Vervan executed the Petition as co-applicant/contract purchaser.

Lastly, in case No. 98-436-A, variance relief is requested for the parcel known as lot 10D River Road in the Cedar Beach subdivision. Variance relief is also sought, pursuant to Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR), to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively. Also, side yard setbacks of 40 ft. and 10 ft. in lieu of the required 50 ft. are also proposed. A variance is requested to allow a rear yard setback of 25 ft. in lieu of the required 50 ft. In this case, Laura L. George executed the Petition as co-applicant/contract purchaser.

As noted above, the matters came before this Zoning Commissioner for a single public hearing. The lots are adjacent unimproved properties which are located near the intersection of Poplar Road and River Road in eastern Baltimore County. The properties are not waterfront but have frontage on both River Road and Poplar Road. They are located not far from Sue Creek. Each property is zoned R.C.5.

Lot 8D is approximately .1836 acres in area. The lot is unimproved and has a frontage of 50 ft. on River Road. The lot is irregularly shaped, with a depth of 145 to 175 ft. The angular frontage of the lot on Poplar Road is 60 ft. in width.

Lot 9D is .16 acres in area. It is also 50 ft. wide on River Road and 60 ft. wide on Poplar Road. Its depth ranges from 113 ft. to 145 ft.

Lot 10D is .25 acres in area and is triangular in shape. It has frontage of approximately 189 ft. on River Road and 250 ft. on Poplar Road. It is 113 ft. in depth at its widest point. This triangular shaped parcel is located immediately adjacent to the intersection of River Road and Poplar Road.

The subject properties and requested relief are more particularly shown on the plats which were attached to each Petition, marked as Petitioners' Exhibit #1.

Apparently, Mr. Dickerson and his mother acquired the lots approximately 8 years ago. They are presently unimproved and are wooded. Mr. Dickerson proposes constructing a single family dwelling on each lot. The proposed building envelopes are 28 ft. x 28 ft. in dimension. It was also indicated that Poplar Road is a gravel road at the present time. However, it is anticipated that a macadam surface will eventually be installed. Mr. Dickerson indicated that each lot is a separate lot of record and contains its own tax number.

RECEIVED FOR FILING
10/1/98
Date
By M. Grant

Variance relief is requested for each of the lots as more fully described above. The lots are significantly undersized. Section 1A04.3.B.1 governs of the lot area for R.C.5 parcels. That section requires that a lot having less than one acre in area may not be "created" in the R.C.5 zone. In this case, the lots are not being "created" in that they have existed as separate lots of record since the Cedar Beach subdivision was platted many years ago. Thus, Mr. Dickerson need not variance that section in view of the fact that the lots have existed in their present size and dimension for many years. Nonetheless, since each lot is unimproved, variance relief to permit construction is necessary from the current standards contained within the R.C.5 zoning regulations. This relief is requested, pursuant to Section 307 of the BCZR which empowers the Zoning Commissioner to grant variances from area and setback requirements.

The Petitioner is not eligible for relief pursuant to Section 304 of the BCZR. Although not applicable here, the purpose of Section 304 is of note. That section permits the development of undersized lots by right. The drafters of the BCZR enacted Section 304 in recognition of the fact that many undersized lots predated the adoption of the zoning regulations. Section 304 allows a property owner to develop an undersized lot with a single family dwelling if three conditions are met. Those conditions are; that the lot existed as part of a recorded subdivision or was a duly recorded lot of record prior to 1955; that no other variance relief is necessary; and that the property owner owns no adjacent land which might be combined with a lot at issue to produce a sufficiently size lot. In this case, Mr. Dickerson fails to meet two of those requirements. Specifically, all three of the lots at issue are under one ownership; thereby precluding development of each on an individual basis, pursuant to

Section 304. Second, and as significantly, substantial variances are need from the setback requirements. Thus, if the Petitioner attempts to develop the lot individually, he may do so only pursuant to Section 307.

Section 307 of the BCZR sets out the criteria which must be applied to each variance Petition. The section requires that the Petitioner demonstrate practical difficulty or unreasonable hardship in order for relief to be approved. Also, it must be shown that relief can be granted without any detrimental impact to the surrounding locale.

The variance statute in Baltimore County has been comprehensively examined by the appellate courts of this State. The leading case is Cromwell v. Ward, 102 Md. App 691 (1995). Therein the Court opined that the Petitioner must demonstrate that the property at issue is unique in order for relief to be denied. Moreover, the hardship shown cannot be self created nor are economic factors the basis to support variance relief.

Although there were no opponents present, Zoning Plans Advisory Committee (ZAC) comments were received which oppose the Petitions. The Office of Planning noted that the Petitions are contrary to the spirit and intent of the regulations as set out in Section 304 of the BCZR. As noted above, two of the three requirements of Section 304 are not satisfied in this case. That comment also noted that public water was being installed in this area to correct existing health problems and not to allow or encourage new development. The Department of Environmental Protection and Resource Management also opined that development of the parcels need be in compliance with the Chesapeake Bay Critical Area Regulations.

In my judgment, the Petitions must and should be denied. The Petitioner has presented no compelling factor to support a grant of the variances. Rather, it is clear that the Petitioner's only goal is to maximize his economic gain by sale of the properties. Although I find no fault

with the Petitioner attempting to increase his profit by developing each lot, that desire cannot be the basis upon which variance relief can be granted. There is no compelling showing that these lots should not be combined for development purposes. Although even a combination of the lots for a single dwelling might require a zoning variance, certainly any such variance would be significantly less in scope than what is proposed. In this case, I find that the Petitioner has not satisfied the criteria set out in Section 307 of the BCZR, as construed by the Court of Special Appeals in Cromwell v. Ward, supra. Thus, the Petitions for Variance must and will be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of October 1998 that, in case No. 98-434-A, a variance from Section 1A04.3.B.3 of the BCZR to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that variances to allow side yard setbacks of 11 ft. on each side, in lieu of the required 50 ft., be and is hereby DENIED; and,

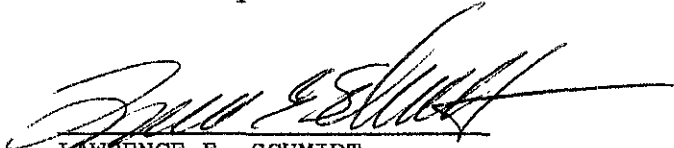
IT IS FURTHER ORDERED that, in case No. 98-435-A, variance relief from Section 1A04.3.B.3 of the BCZR to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to allow side yard setbacks of 11 ft. in lieu of the required 75 ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that in case No. 98-436-A a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR), to allow a front yard setback of 32 ft. and a center line setback of 47 ft., in lieu of the required 50 ft. and 75 ft., respectively, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that side yard setbacks of 40 ft. and 10 ft. in lieu of the required 50 ft., and a variance to allow a rear yard setback of 25 ft. in lieu of the required 50 ft., be and is hereby DENIED.

LES/mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

906/98




Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 30, 1998

Mr. Mark Dickerson
2042 Popular Road
Baltimore, Maryland 21221

Mr. Buck Jones
Free-State General Contractors, Inc.
500 Vogts Lane
Baltimore, Maryland 21221

RE: Case No. 98-434-A, 98-435-A, 98-436-A
Petitions for Variance
Property: Lots 8D, 9D and 10 D River Road

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
att.

c: Ms. Deborah Martin
Ms. Laura L. George
Mr. John Vervan
500 Vogts Lane
Baltimore, Maryland 21221





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 8-D River Road

which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 1A 04.3.B.3 to allow a

front yard setback of 32' and a centerline setback of 47' in lieu of the required 50' and 75' respectively; and to allow side yard setbacks of 11' and 11' in lieu of the required 50' respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) This particular lot is located in a RC 5 zone. The lot has

been a lot of record with it's own tax account number since 1942. The set back lines as required under the RC 5 zoning would not be possible to obtain. Strict compliance with the zoning requirement would unreasonably prevent the use of the property for a permitted purpose that other lot owner's of the community have enjoyed.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Contract: Purchaser/Lessee

Deborah Martin
(Type or Print Name)

Deborah Martin
Signature

500 Vogts Lane Balto Md 21221
Address

Baltimore Md 21221
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

Mark Dickerson
(Type or Print Name)

Mark Dickerson
Signature

Doris Dickerson
(Type or Print Name)

Signature

2042 Popular Road 574-5952 h.m.
Address Phone No

Baltimore Md 21221
City State Zipcode

Name, Address and phone number of representative to be contacted

Buck Jones 5749544 h.m.
Name Phone No

500 Vogts Lane 410-574-9337 wk.
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
Unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: BR DATE 5/14/98



Printed with Soybean Ink
on Recycled Paper



98-434-A

#434

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR Lot 8-D River Road

(address)

Election District 15

Councilmanic District 7

Beginning at a point on the East side of River
(north, south, east or west)

Road which is 30'
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 165' South of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Silver Lane
(name of street)

which is 30 wide. *Being Lot # 8-D,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of

Cedar Beach as recorded in Baltimore County Plat
(name of subdivision)

Book # 13, Folio # 59, containing

8,000
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

98-434-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 158737

DATE

5/13/94

ACCOUNT

R001-6150

AMOUNT

\$ 50.00

RECEIVED FROM:

Back Jones

FOR:

010 Variance

Lot 8-D

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item 4341

CASHER'S VALIDATION

98-434-A

PAID RECEIPT

PROCESSED DATE

5/14/1994 5/13/1994 13:45:11

RECEIVED CASHIER CLIN ON 5/14/94

5 MISCELLANEOUS PAID RECEIPT

RECEIPT # 050050

DATE 05/13/94

BALTIMORE COUNTY, MARYLAND

50.00 CASH

**NOTICE OF ZONING
HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-434-A

River Road, Lot 8D
E of River, 165 S

of Silver Lane

15th Election District

7th Councilmanic District

Legal Owners(s):

Mark Dickerson &

Doris Dickerson

Contract Purchaser:

Deborah Martin

Variance: to allow a front yard setback of 32 feet and a centerline setback of 47 feet in lieu of the required 50 feet and 75 feet respectively, and to allow side yard setbacks of 11 feet and 11 feet in lieu of the required 50 feet respectively.

Hearing: Wednesday, June 24, 1998 at 9:00 a.m., in Room 106, County Office Bldg., 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call (410) 887-3353.

(2) For information concerning the file and/or Hearing, Please Call (410) 887-3391.

6/04/97 June 4 C233562

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/4/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/4/, 1998.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON

RE: PETITION FOR VARIANCE
Lot 8D River Road, E of River Rd, 165' S of Silver
Lane, 15th Election District, 7th Councilmanic

Legal Owners: Mark and Doris Dickerson
Contract Purchaser: Deborah Martin

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-434-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, , 500 Vogts Lane, Baltimore, MD 21221, representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case No. 98-434-A

Petitioner/Developer: B. JONES, ETAL
M. & D. DICKERSON

Date of Hearing/Closing: 6/24/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at RIVER RD. LOT 8-D
S-165' E FROM SILVER LA.

The sign(s) were posted on 6/8/98
(Month, Day, Year)

Sincerely,

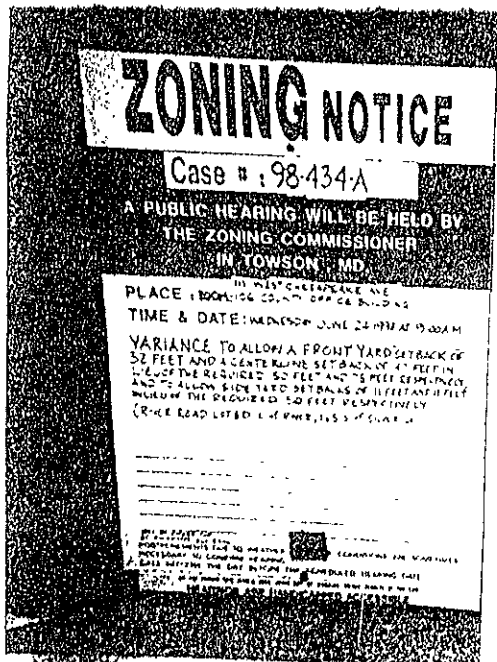
Patrick M. O'Keefe 6/15/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 26, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-434-A
River Road, Lot 8D
E of River Road, 165' S of Silver Lane
15th Election District - 7th Councilmanic District
Legal Owner: Mark Dickerson & Doris Dickerson
Contract Purchaser: Deborah Martin

Variance to allow a front yard setback of 32 feet and a centerline setback of 47 feet in lieu of the required 50 feet and 75 feet respectively; and to allow side yard setbacks of 11 feet and 11 feet in lieu of the required 50 feet respectively.

HEARING: Wednesday, June 24, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a small "SES" written below it.

Arnold Jablon
Director

c: Doris & Mark Dickerson
Deborah Martin
Buck Jones

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 9, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
June 4, 1998 Issue - Jeffersonian

Please forward billing to:

Buck Jones 410-574-9337
500 Vogts Lane
Baltimore, MD 21221


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-434-A
River Road, Lot 8D
E of River Road, 165' S of Silver Lane
15th Election District - 7th Councilmanic District
Legal Owner: Mark Dickerson & Doris Dickerson
Contract Purchaser: Deborah Martin

Variance to allow a front yard setback of 32 feet and a centerline setback of 47 feet in lieu of the required 50 feet and 75 feet respectively; and to allow side yard setbacks of 11 feet and 11 feet in lieu of the required 50 feet respectively.

HEARING: Wednesday, June 24, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____ Petitioner: BUCK JONES

Location: 80 RIVER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BUCK JONES

ADDRESS: 500 VOGTS LANE

BALT. MD 21221

PHONE NUMBER: 410-574-9337

98.434-A

#434



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-434-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to allow a front yard setback of 32' and a
centerline setback of 42' in lieu of the required 50' and 75'
respectively; and to allow side yard setbacks of 11' and 11'
in lieu of the required 50' respectively.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 15, 1998

Mr. Bucks Jones
500 Vogts Lane
Baltimore, MD 21221

RE: Item No.: 434
Case No.: 98-434-A
Petitioner: Deborah
Martin
Location: Lot 8-D River
Road

Dear Mr. Jones:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 14, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the word "Sincerely,".

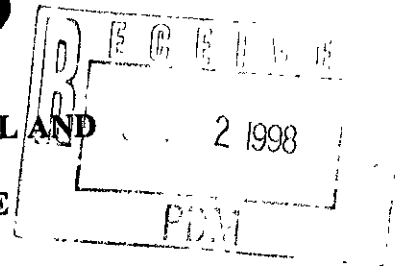
W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: June 1, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Lot Nos. 8, 9, 10 River Road

INFORMATION

Item Numbers: (434), 435, and 436

Petitioner: Dickerson Property

Zoning: RC-5

Summary of Recommendation:

Staff has reviewed the subject request and recommends denial. This position is based on the the following:

These lots could not be developed without the aid of public water and sewer. Public water and sewer is being installed in this area to correct existing health problems, not to allow or encourage new development. This position is explicitly stated in the Baltimore County Master Plan, the 1997 Master Water and Sewer Plan, and the Lower Back River Neck Community Plan.

Section 304 of the Baltimore County Zoning Regulations states: "A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if ... the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Keene

AFK/JL

Note
Please disregard the
comment dated 5/26/98
regarding Item No.
435 - J.W.L.

Due Date: May 29, 1998

TO: Arnold Jablon
FROM: R. Bruce Seeley *RS/yp*
SUBJECT: Zoning Item #434, 435, 436

Dickerson Property, Lots 8D, 9D, 10D River Road

Zoning Advisory Committee Meeting of May 26, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

May 27, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF MAY 26, 1998

Item No.: 427, 428, 429, 433, 434
435, 436, 437, 438, 439
440

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Paris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5-22-94
Item No. 434 BR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 8, 1998

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 1, 1998
 Item Nos. (434), 435, and 436

The Development Plans Review Division has reviewed the subject zoning item. Item numbers 434, 435, and 436 are subject to the development regulations of the County; the subdivision of land into three (3) or fewer lots for residential single-family dwellings.

RWB:HJO:jrb

cc: File

ZONE0601.434

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Buck Jones 500 Vogts Lane 21221 410-574-9337
Print Name of Applicant Address Telephone Number

☐ Lot Address Lot 8-D River Road Election District 15 Council District 5 Square Feet 8,000
Lot Location: N E W (side) corner of River Road .165 feet from N E W corner of C Silver Lane
(street) (street)

Land Owner Mark Dickerson Tax Account Number 15 - 08005220
Address 2042 Popular Road Telephone Number 410-574-9337
Baltimore, Md 21221

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	<u> </u>
2. Permit Application	<u> </u>	<u>✓</u>
3. Site Plan	<u>✓</u>	<u> </u>
Property (3 copies)	<u> </u>	<u> </u>
Topo Map (available in Rm 204 C.O.B.) (2 copies)	<u>✓</u>	<u> </u>
<small>(please label site clearly)</small>	<u> </u>	<u> </u>
4. Building Elevation Drawings	<u>✓</u>	<u> </u>
5. Photographs (please label all photos clearly)	<u> </u>	<u>✓</u>
Adjoining Buildings	<u> </u>	<u> </u>
Surrounding Neighborhood	<u>✓</u>	<u> </u>

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by _____
ZADM

Date _____

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

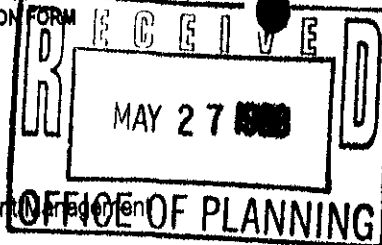
☐ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

*Sent to
OPCC
5/26/98*

Signed by: _____
for the Director, Office of Planning & Zoning

Date: _____

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM



TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B. Permit Number _____

FROM: Arnold Jablon, Director, Zoning Administration and Development

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Lot Location: NES W (side) corner of River Road .165 feet from NES W corner of Q Silver Lane
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Land Owner Mark Dickerson Tax Account Number 15 - 08005220
Address 2042 Popular Road Telephone Number 410-574-9337
Baltimore, Md 21221

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adjoining Buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by ZADM

Date _____

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☐ Approval ☒ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Staff has reviewed the Undersize lot application and recommends **Denial**. The denial of the application is based on the following:

This lot could not be developed without the aid of public water and sewer. Public water and sewer is being installed in this area to correct existing health problems, not to allow or encourage new development. This was explicitly stated in the Baltimore County Master Plan 2000, the 1997 Water Supply and Sewerage Plan, and the Lower Back River Neck Community Action Plan.

Section 304 of the Baltimore County Zoning Regulation (Use of Undersized Single-Family Lots) states: " A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

Signed by: Ervin McDaniel
for the Director, Office of Planning & Zoning

Date: 6/1/98

VALIDITY OF THIS CERTIFICATE IS GUARANTEED BY THE STATE OF MARYLAND

STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE

CERTIFICATE OF DEATH

REG. NO.

John J. Dickinson
STATE REGISTRAR OF VITAL RECORDS

TO BE COMPLETED BY FUNERAL DIRECTOR

1. DECEDENT'S NAME (First, Middle, Last)
Doris Ann Dickerson

2. DATE OF DEATH
MONTH **January** DAY **1** YEAR **1995**

3. TIME OF DEATH
11:00 A. M.

4. SOCIAL SECURITY NUMBER
212-22-8398

5. SEX
☐ M ☒ F

6. AGE (In yrs. last birthday)
68 YRS.

7. DATE OF BIRTH (Month, Day, Year)
July 21, 1926

8. BIRTHPLACE (State or Foreign Country)
Maryland

9a. FACILITY NAME (If not institution, give street and number)
1308 Chapel Hill Drive

9b. CITY, TOWN OR LOCATION OF DEATH
Baltimore

9c. COUNTY OF DEATH
Baltimore

10a. STATE
Maryland

10b. COUNTY
Baltimore

10c. CITY, TOWN OR LOCATION
Baltimore

10d. INSIDE CITY LIMITS?
☐ YES ☒ NO

10e. STREET AND NUMBER
1308 Chapel Hill Drive

10f. ZIP CODE
21237

10g. CITIZEN OF WHAT COUNTRY?
U.S.A.

11. MARITAL STATUS
☐ Never Married ☐ Married
☒ Widowed ☐ Divorced

12. WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ YES ☒ NO
IF YES, GIVE WAR OR DATES

13. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No—
If yes, specify Cuban, Mexican, Puerto Rican, etc.)
☐ YES ☒ NO Specify:

14. RACE — American Indian, Black, White, etc.
Specify **White**

15. DECEDENT'S EDUCATION (Specify only highest grade completed)
Elementary/Secondary (0-12) **College (1-4 or 5+)**

16a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired)
Realtor

16b. KIND OF BUSINESS/INDUSTRY
Real Estate Company

17. FATHER'S NAME (First, Middle, Last)
Max Byczynski

18. MOTHER'S NAME (First, Middle, Maiden Surname)
Anna Dombrowski

19a. INFORMANT'S NAME (Type/Print)
Mark W. Dickerson (son)

19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)
1308 Chapel Hill Drive, Baltimore, MD 21237

20a. METHOD OF DISPOSITION
☒ Burial ☐ Cremation ☐ Removal from State
☐ Donation ☐ Other (Specify)

20b. PLACE AND DATE OF DISPOSITION (Name of cemetery, crematory or other place)
Gardens of Faith Cemetery 1/4 Baltimore, Maryland

20c. LOCATION — City or Town, State

21. SIGNATURE OF FUNERAL SERVICE LICENSEE
Eugene J. L...

22. NAME AND ADDRESS OF FACILITY
**Schimunek Funeral Homes, Inc.
9705 Belair Rd., Baltimore, MD 21236**

TO BE COMPLETED BY PHYSICIAN: MEDICAL CERTIFICATION

23. PART I. Enter the diseases, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.

IMMEDIATE CAUSE (Final disease or condition resulting in death) → **ACUTE MYOCARDIAL INFARCTION**

Sequitally list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST

ARTERIOSCLEROTIC HEART DISEASE

PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.
CHRONIC OBSTRUCTIVE LUNG DISEASE

24a. WAS AN AUTOPSY PERFORMED?
☐ YES ☒ NO

24b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH?
☐ YES ☒ NO

DID TOBACCO USE CONTRIBUTE TO CAUSE OF DEATH YES ☐ NO ☐ UNCERTAIN ☐

25. WAS CASE REFERRED TO MEDICAL EXAMINER?
☐ YES ☒ NO

26. PLACE OF DEATH (Check only one)
HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ DOA
OTHER: ☐ Nursing Home ☒ Residence ☐ Other (Specify)

27. MANNER OF DEATH
☒ Natural ☐ Pending Investigation
☐ Accident ☐ Suicide ☐ Could not be determined
☐ Homicide

28a. DATE OF INJURY (Month, Day, Year)

28b. TIME OF INJURY
M ☐ YES ☒ NO

28c. INJURY AT WORK?
☐ YES ☒ NO

28d. DESCRIBE HOW INJURY OCCURRED

28e. PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify)

28f. LOCATION (Street and Number or Rural Route Number, City or Town, State)

29a. CERTIFIER (Check only one)
☒ CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated.
☐ MEDICAL EXAMINER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated.

29b. SIGNATURE AND TITLE OF CERTIFIER
Teodulo Paglinauan

29c. LICENSE NUMBER
015722

29d. DATE SIGNED (Month, Day, Year)
1/5/95

30. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type Print)
Dr. Teodulo Paglinauan, 8552 Philadelphia Road, Baltimore, MD 21237

31. DATE FILED (Month, Day, Year)
JAN 11 1995

32. REGISTRAR'S SIGNATURE
John J. Dickinson

98-434-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: LOT 8D RIVER ROAD

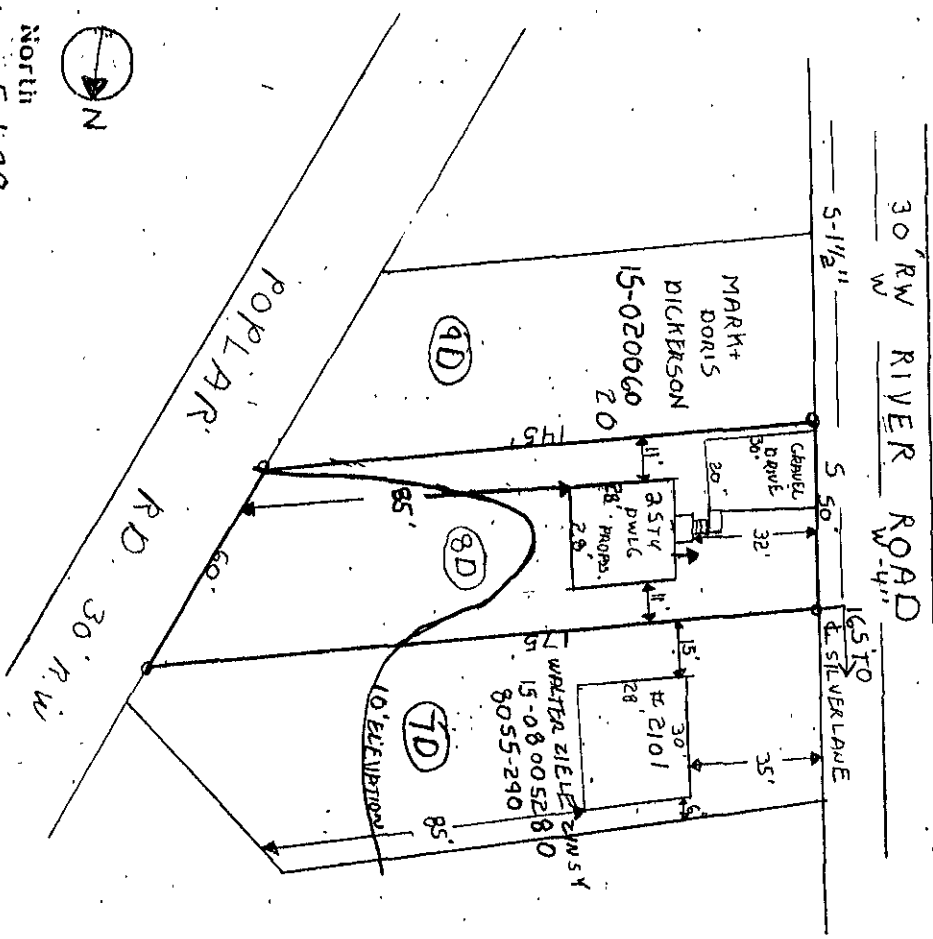
Subdivision name: CEDAR BEACH

plat book # 13, folio # 59, lot # 8D, section #

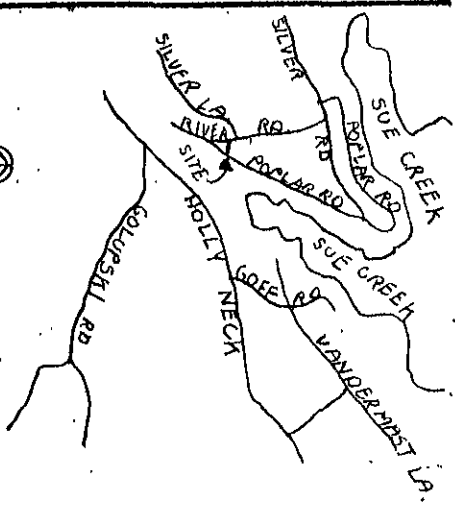
OWNER: MARK & DORIS DICKERSON

TAX ID: 15-08005220

see pages 5 & 6 of the CHECKLIST for additional required information



North
date: 5-1-98
prepared by: BUCK JONES Scale of Drawing: 1" = 50'



Vicinity Map
Scale 1" = 1000'

LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1" = 200' scale map: SE 2-5

Zoning: R.C. 5

Lot size: .1836 8000
acreage Square Feet

- Public Rights:
- SEW ER ☒
 - WATER: ☒
 - Chesapeake Bay Critical Area: ☒
 - Prior Zoning Hearings: ☐

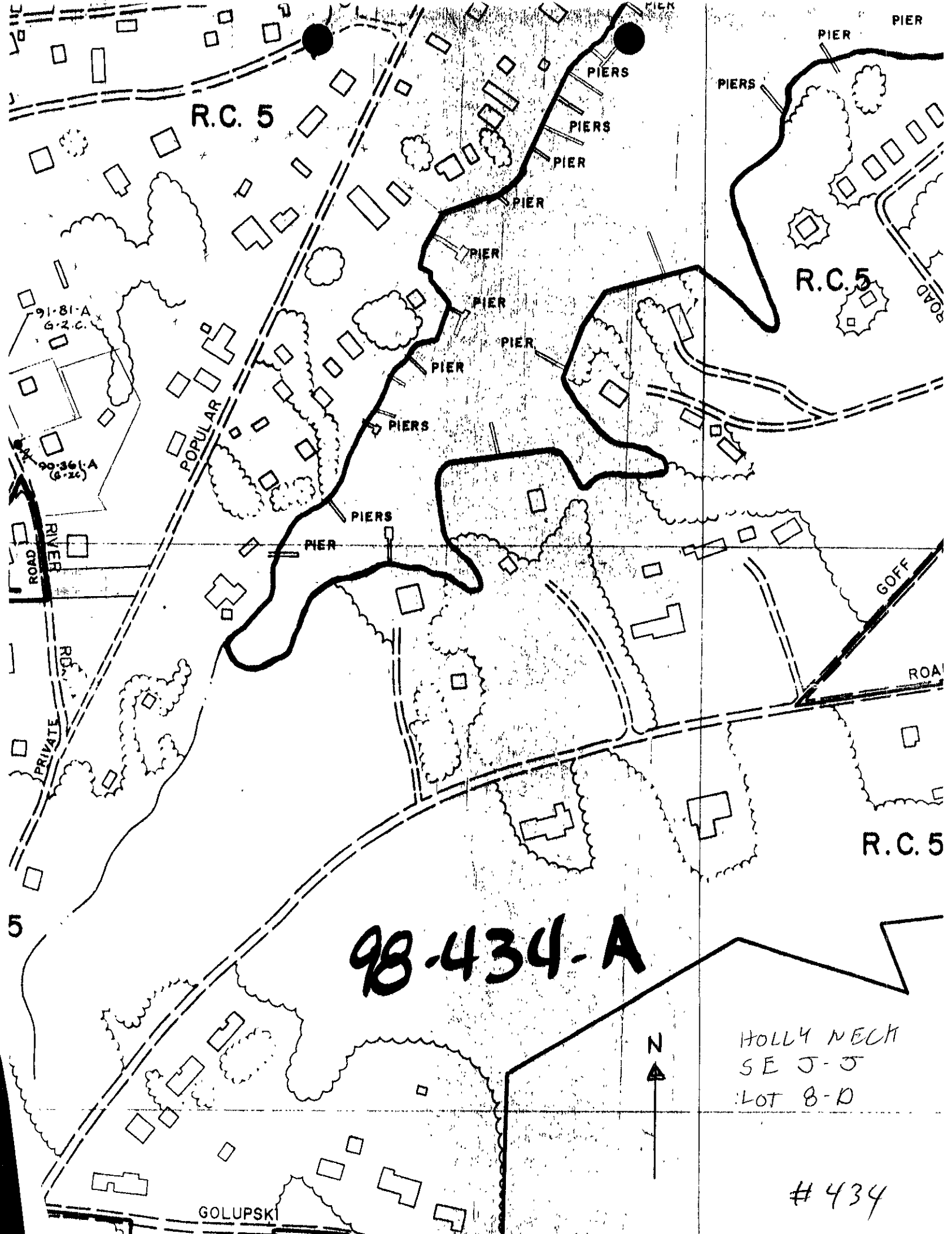
NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

BR 434 98-434-4

98-434-A

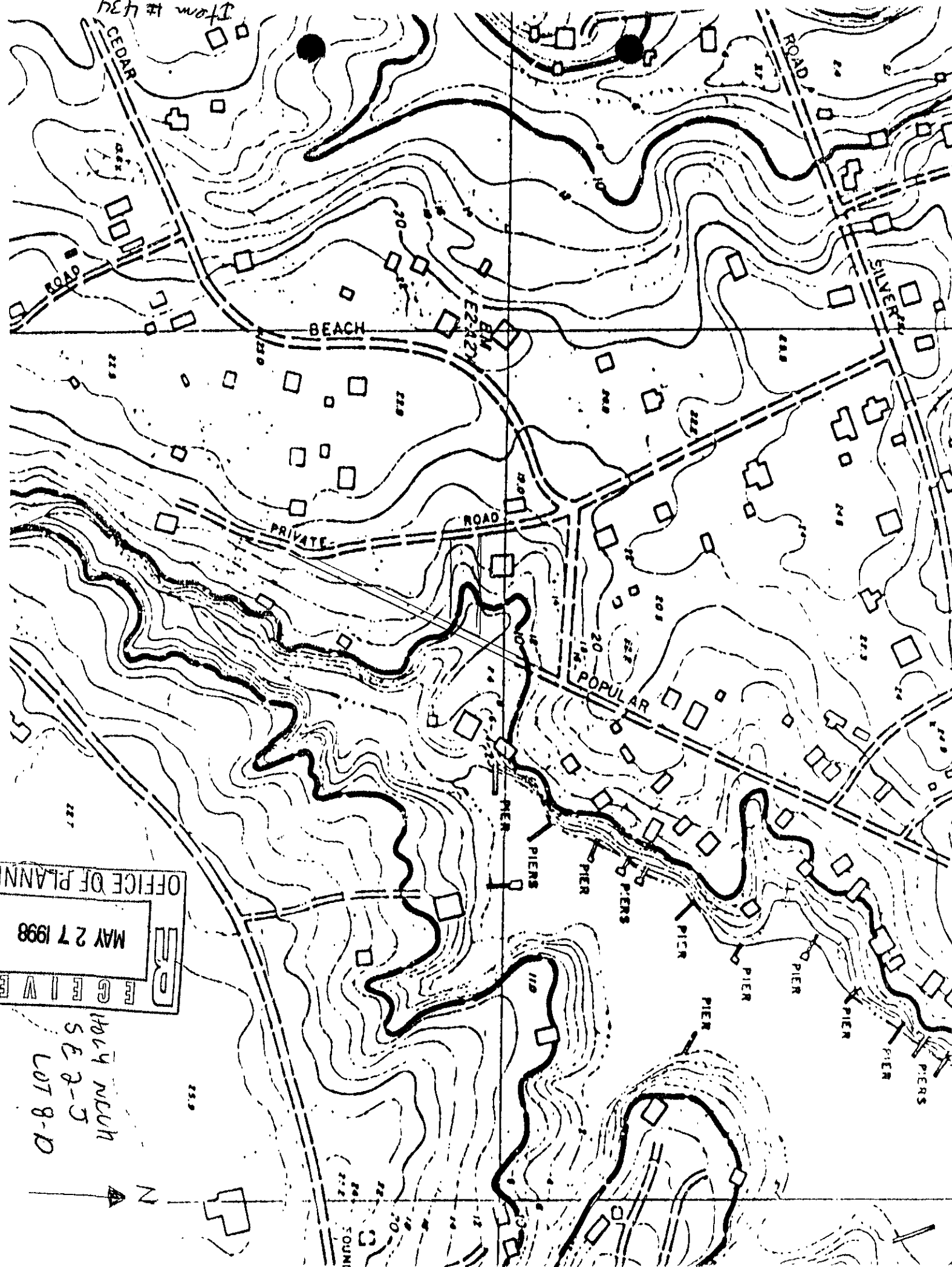
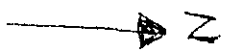




Heath
434

ENGINEERING
MAY 27 1998
OFFICE OF PLANNING

1464 NCUH
SE 2-5
LOT 8-D





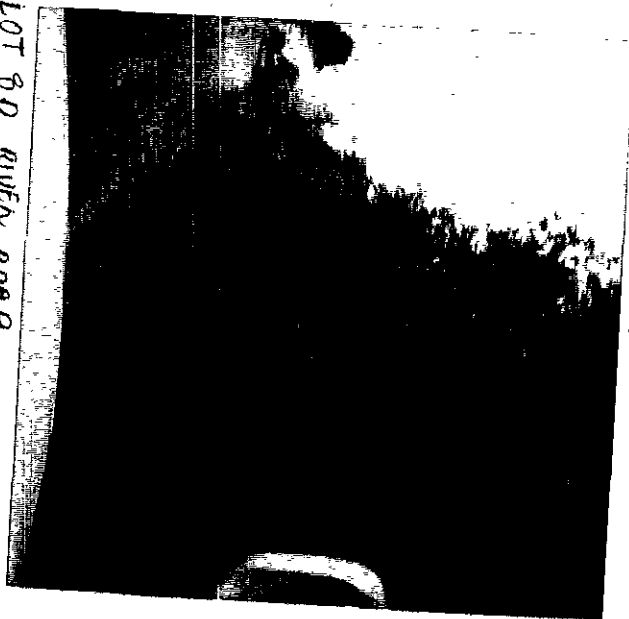
Baltimore County
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Photographs

LOT 8 D - LOOKING SOUTH UP
POPCAN RD



LOT 8 D RIVEN ROAD
LOOKING NORTH UP RIVEN ROAD



OFFICE OF PLANNING
RECEIVED
MAY 27 1998

434



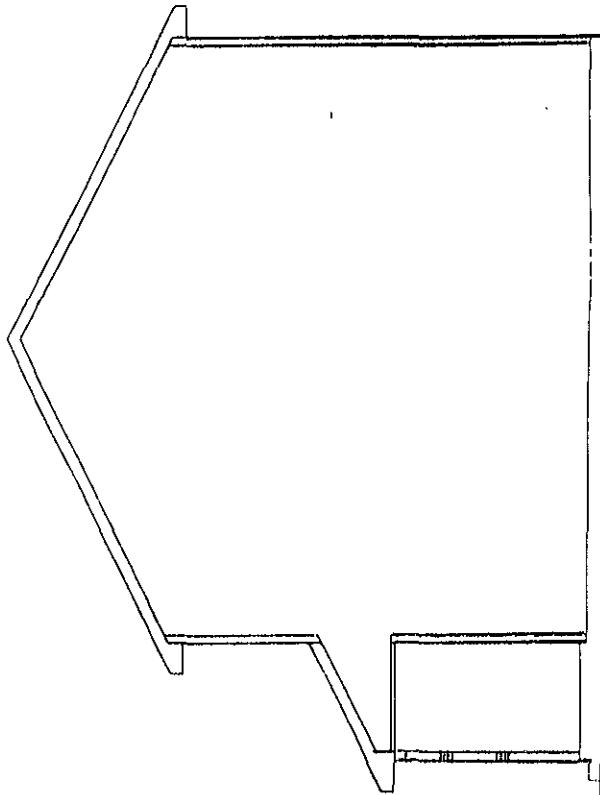
CEDAR II (OPTION C)

(RAILING NOT INCLUDED)

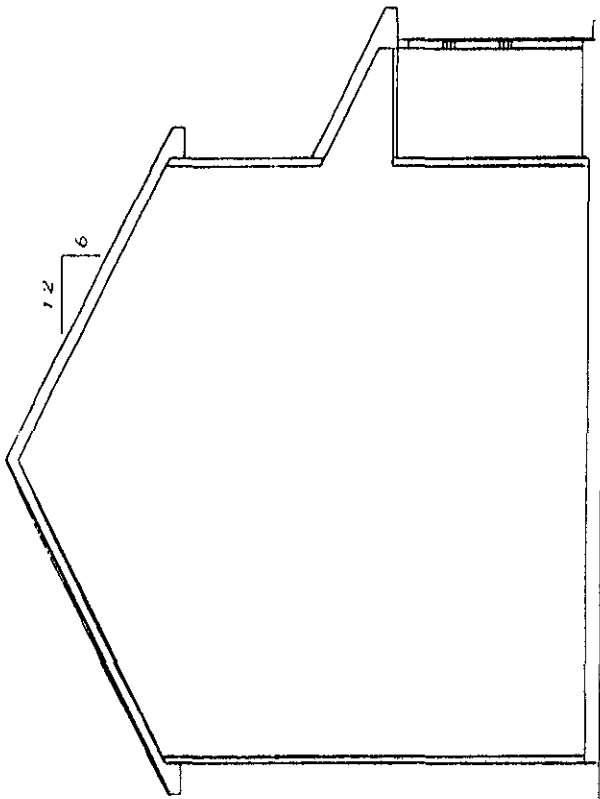
DATE	10/10/10
BY	10/10/10
FOR	10/10/10
PROJECT	10/10/10
REVISION	10/10/10
DESCRIPTION	10/10/10
APPROVED	10/10/10
REVIEWED	10/10/10
DESIGNED	10/10/10
DRAWN	10/10/10

NOT A VALID DOCUMENT FOR ESTABLISHING RIGHTS

RIGHT SIDE ELEVATION

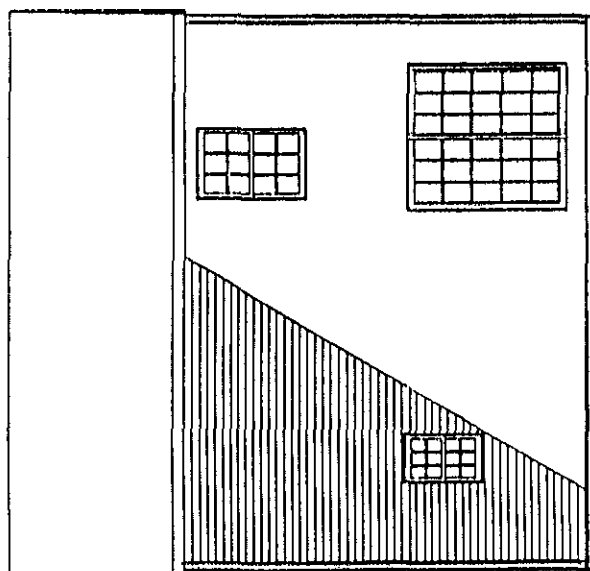


LEFT SIDE ELEVATION



434

RECEIVED
MAY 27 1998
OFFICE OF PLANNING

[illegible][illegible][illegible]